

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
v. : CR. NO. 18-101-11
NEIL CUTLER :
:

GOVERNMENT'S MOTION TO DISMISS INDICTMENT

The United States of America, by its attorneys, Jacqueline C. Romero, United States Attorney for the Eastern District of Pennsylvania, and Christopher E. Parisi, Assistant United States Attorney for the district, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, moves this Court to dismiss the Indictment, only against the above-named defendant, and in support of its motion states:

1. On January 9, 2019, the Grand Jury issued a superseding indictment charging defendant Neil Cutler with one count of maintaining a drug involved premises, and aiding and abetting, in violation of 21 U.S.C. § 856.

2. These charges related to Cutler's participation in the illegal dispensing of prescription medication from Advanced Urgent Care in Montgomeryville, Pennsylvania. Between January 2014 and August 2017, Cutler is alleged to have unlawfully distributed oxycodone and methadone, among other controlled substances.

3. Following the indictment, the government was advised by defense counsel that Cutler suffers from dementia and other health issues. Upon request of the government, Cutler's counsel provided the government with documentation from an assisted living and

memory care facility where Cutler resides. The records reflect that Cutler has dementia, was recently hospitalized, and needs full-time care to assist him in daily tasks.

4. Cutler's medical prognosis is poor. He is unable to care for himself, unable to travel, and cannot assist counsel in the preparation of a defense at trial.

5. The government notes that the defendant is 80 years old, and he has no prior criminal history.

6. Under the unique circumstances of this case, the government submits that proceeding with the charges against the defendant is not in the best interests of justice.

WHEREFORE, the government respectfully requests that the Court dismiss the Indictment, only against this defendant, without prejudice.

Respectfully submitted,



JACQUELINE C. ROMERO
United States Attorney

s/Christopher E. Parisi
CHRISTOPHER E. PARISI
Assistant United States Attorney

Dated: August 11, 2022

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UNITED STATES OF AMERICA

:

v.

: **CR. NO. 18-101**

NEIL CUTLER

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O R D E R

AND NOW, this _____ day of _____, 2022, upon consideration of the Government's Motion to Dismiss the Indictment, it is hereby

ORDERED

that the Indictment issued at Criminal No. 18-101 is dismissed, only as to this defendant, without prejudice.

BY THE COURT:

HON. GENE E.K. PRATTER
Judge, United States District Court

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served by ECF or electronic mail upon Counsel of record.

/s/ Christopher E. Parisi
Christopher E. Parisi
Assistant United States Attorney

Date: August 11, 2022